

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(E-Filed: October 31, 2007)

RICK BUTCHER and CHERYL BUTCHER,
as Representatives of the Estate of,
TAYLOR BUTCHER,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

No. 99-409V

UNPUBLISHED

Attorney's Fees and Costs

Clifford J. Shoemaker, Vienna, VA, for petitioner.

Althea W. Davis, with whom were Peter D. Keisler, Assistant Attorney General, Timothy P. Garren, Director, Vincent J. Matanoski, Acting Deputy Director, and Gabrielle M. Fielding, Assistant Director, Department of Justice, Civil Division, Torts Branch, Washington, DC, for respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

On June 28, 1999, petitioners, Rick and Cheryl Butcher, as representatives of the

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

Estate of Taylor Butcher, filed a petition pursuant to the National Vaccine Injury Compensation Program² (the Act or the Program). On March 22, 2007, the undersigned issued a decision that found that petitioners were not entitled to compensation under the Act. See Decision at 2.

On September 18, 2007, petitioners filed an Application for Attorneys' Fees and Costs (Fee App.) requesting a total of \$9,073.34, in attorneys' fees and costs. Petitioners did not request any reimbursement for themselves. Respondent's counsel objected to the fee application. On October 13, 2007, respondent's counsel filed a joint status report amending petitioners's counsel's fee request. Petitioners's counsel now seeks \$8,920.84 in attorneys' fees and costs. See Joint Status Report (Joint SR) at 1.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and on respondent's counsel's lack of objection to petitioners' counsel's amended fee request, the undersigned **GRANTS** the attorney's fees and costs as outlined in the joint status report filed on October 3, 2007.

The undersigned awards petitioner \$8,920.84 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$8,920.84 in attorneys' fees and attorneys' costs.³ The judgment shall reflect that the Shoemaker and Associates law firm may collect \$8,920.84 from petitioner. See Joint SR at 1.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.